

# **Exhibit B**

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

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CMT USA, INC. and CMT UTENSILI  
S.P.A.,

Plaintiffs,

vs. Case No. 3:24-cv-00137

APEX TOOL GROUP LLC and  
APEX BRANDS, INC.,

Defendants.

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DATE: August 13, 2024

TIME: 9:01 a.m.

VIDEOTAPED DEPOSITION of LUCIA  
SPALLACCI, a 30(b)(6) witness, held at the  
offices of ArentFox Schiff LLP, 1301 Avenue  
of the Americas, New York, New York 10019,  
before Roberta Caiola, a Court Reporter and  
Notary Public of the State of New York.

1 A P P E A R A N C E S:

2  
3 HAUG PARTNERS LLP

4 Attorneys for the Plaintiffs

5 CMT USA, INC. and CMT UTENSILI S.p.A.

6 745 Fifth Avenue

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9 BY: ROBERT E. COLLETTI, ESQ.

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11  
12 LEWIS ROCA ROTHGERBER CHRISTIE, L.L.P.

13 Attorneys for the Defendants

14 APEX TOOL GROUP LLC and APEX

15 BRANDS, INC.

16 100 Pine Street, Suite 1750

17 San Francisco, California 94111

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19 BY: AARON D. JOHNSON, ESQ.

20 ADJohnson@LewisRoca.com

21 MICHAEL J. McCUE, ESQ.

22 MMcCue@LewisRoca.com

1 A P P E A R A N C E S:

2  
3 ALSO PRESENT:

4 MARCELLO TOMMASSINI

5 MASSIMO RICCI

6 MICHAEL BENNETT, Videographer

7 SANTUZZA MIRTO, Interpreter

Lucia Spallacci

MR. COLLETTI: For that reason.

MR. McCUE: Yes.

MR. COLLETTI: Understood.

MR. McCUE: We will do the same  
for your 30(b)(6) examination of us.

MR. COLLETTI: Understood. And  
I will let you know after lunch.

MR. JOHNSON: Sure.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Lucia Spallacci

2 A. You mean the Wen design?

3 Q. I mean the amount of orange,  
4 because you previously said that the only  
5 similarity between these two blades was  
6 that they're both in the color orange,  
7 primarily. And then you differentiated  
8 that with the Wen, because you said it was  
9 not primarily an orange color.

10 So my question is, then, if the  
11 Crescent blade had the same amount of  
12 orange as on the Wen, would that also then  
13 remove that similarity?

14 MR. COLLETTI: Object to the  
15 form of the question. Outside the  
16 scope.

17 A. Can I answer this question  
18 after I take action against Wen?

19 Q. If you want to come back for  
20 another deposition. How about answer it  
21 right now?

22 MR. TOMMASSINI: She loves New  
23 York.

24 MR. JOHNSON: Please. We can  
25 talk off the record.